



Appeal Decision

Site visit made on 30 June 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/Y2620/W/24/3353881

Land North of East Court, Abbey Road, Sheringham NR26 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by GSM Investments Ltd against the decision of North Norfolk District Council.
 - The application Ref is PF/24/0476.
 - The development proposed is the erection of a single storey detached dwelling with rooms in the roof space and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey detached dwelling with rooms in the roof space and associated works at Land North of East Court, Abbey Road, Sheringham NR26 8HH in accordance with the terms of the application, Ref PF/24/0476, subject to the conditions in the attached Schedule.

Preliminary Matter

2. The appellant has submitted a form completed in respect of Section 111 of the Local Government Act 1972. In addition, the appellant has made a payment in relation to the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy 2021 (GIRAMS). The Council has confirmed receipt of this payment. I shall return to this later in my decision.

Main Issues

3. The main issues are the effect of the proposed development on
 - the character and appearance of the area; and
 - protected trees, with regard to whether suitable living conditions would be provided for future occupants of the dwelling in respect of natural light; and
 - the integrity of European sites, with particular regard to recreational pressure.

Reasons

Character and appearance

4. The appeal site is a broadly triangular parcel of land close to the junction between Abbey Road and Holt Road. The site occupies an elevated position on land that rises to the rear towards East Court, a substantial building oriented facing the junction of Abbey Road and Holt Road. To the side of the site is one of a pair of

single-storey dwellings set back from Holt Road within the rising land to the front of East Court. Development in the area typically fronts the roads, including being oriented towards junctions and varies in scale, form and material finish. Buildings are primarily set in from the boundaries and, with vegetation to the front boundaries and the street trees leads to a verdant and spacious character.

5. The existing site is largely laid to grass and whilst partly screened from Holt Road but existing landscaping, the site occupies a prominent position close to the junction with Abbey Road. Towards the rear of the site close to the boundary with Abbey Road are three Scots pine trees, which are covered by Tree Preservation Order No 14¹ (TPO). The site makes a positive contribution to the spacious and verdant character of the area, particularly given its prominent location close to Holt Road and Abbey Road.
6. The proposal is for a detached dwelling oriented towards the junction between Abbey Road and Holt Road. The dwelling would be set back from the boundary with the footway adjacent to Holt Road beyond the front elevation of the dwelling at No 5 Holt Road (No 5). In addition, the dwelling would be set in from the boundary with the footway adjacent to Abbey Road. Although the dwelling would occupy only a limited proportion of the site and would retain spaces to the front of the side of the dwelling, the development, including the significant area of hardstanding to the front of the dwelling, would erode the prevailing spacious and verdant character causing a low level of harm to the character and appearance of the area.
7. The dwelling would be set forward of the front elevation of East Court, which is on an elevated position beyond the rear boundary of the site. The proposal would erode the relationship between East Court and Holt Road and would reduce its prominence within the area. The difference in levels between the site and East Court would ensure that the majority of the considerable building would remain visible and whilst it would not be uncommon for development to the front of larger buildings, the conspicuous position would add to the level of harm identified.
8. The proposal removal of existing vegetation along the boundary with No 5 and the creation of a new vehicular access from Abbey Road would make development at the site more visible, particularly from Holt Road. The site would be excavated to reduce the land levels at the site and to limit the overall height of the dwelling. The ridge height of the dwelling would reflect that of the dwelling at No 5, whilst the lower land level would restrict the visual prominence of the dwelling when viewed from Holt Road. While the dwelling would be visible within the street scene and would erode the spacious character of the area, it would be viewed within the urban context of development in the area.
9. The dwelling would have a design that would respect the overall character and appearance of development in the area. In addition, the proposal would be finished with materials that would accord with those used in existing development in the area and would help the dwelling blend with its surroundings. Nevertheless, the appropriate design and material finish would not mitigate the impact of the moderate level of harm identified.
10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies SS 3, EN 2 and EN 4 of the North Norfolk Local Development Framework Core Strategy Incorporating

¹ Reference Number TPO/10/0811

Development Control Policies 2008 (CS), which collectively state that in residential areas appropriate residential development will be permitted, that proposals will protect, conserve and enhance the pattern of distinctive landscape features, and be suitably designed for the context within which they are set and that the scale and massing of buildings relate sympathetically to the surrounding area.

Protected trees

11. The site includes three Scots pine trees close to the boundary with the footway adjacent to Abbey Road. The trees are of a substantial height and are on an elevated position to the corner of the site. The trees are protected by a TPO and make a positive contribution to the character and appearance of the area.
12. The proposed dwelling would be positioned away from the protected trees beyond an existing pedestrian access to the front of East Court. The proposal includes a separate garden area that includes the trees, in addition to private amenity space close to the dwelling. The considerable height of the trees may limit the amount of natural light within the separate garden area. However, the orientation and position of the dwelling in relation to the trees would ensure that a sufficient amount of natural light, in respect of the garden area and the dwelling itself, would be provided for future occupants. Consequently, the proposal would not lead to demonstrable pressure to carry out works to the protected trees.
13. I conclude that the proposal would provide sufficient living conditions with regard to natural light and would not harm the protected trees. The development therefore accords with Policies EN 2 and EN 4 of the CS, which collectively state that proposals will protect, conserve and enhance the pattern of distinctive landscape features and retain existing important landscaping and natural features.

European sites

14. The appeal site is located within the Zone of Influence (Zol) of a number of designated European sites, including the Norfolk Valley Fens Special Area of Conservation Area, The Wash and North Norfolk Coast Special Area of Conservation, the North Norfolk Coast Special Protection Area, Special Area of Conservation and Ramsar, and The Wash Special Protection Area and Ramsar.
15. The coastline along The Wash is the largest marine embayment in Britain, with the second largest expanse of intertidal sediment flats in the country. The Norfolk Coast from the Wash around to the East coast is the only typical British example of a barrier beach system with extensive areas of salt marsh with characteristic creek patterns that have developed behind sand and shingle spits and bars. The Wash and North Norfolk coast is important for breeding and moulting of one of Europe's largest populations of common seal. The intertidal mudflats and salt marshes represent one of Britain's most important winter-feeding areas for waders and wildfowl outside of the breeding season. The Norfolk Valley Fens SAC comprises a series of valley-head spring-fed fens.
16. The GIRAMS sets out the potential for recreational activities to disrupt the protection objectives of European Sites in and around Norfolk, specifically as a result of an increase in population resulting from residential and tourism growth. The appeal scheme involves the provision of a new dwelling within the Zol. This is likely, in turn, to increase recreational pressure and it is therefore likely that the proposal, would have a significant effect on the European Sites identified above.

As such, in accordance with the Regulations, it is necessary for me to conduct an AA of the project's implications in view of the relevant sites' conservation objectives.

17. The European sites identified above are covered by the GIRAMS, which has been adopted by the Council in partnership with other affected local planning authorities. The GIRAMS comprises a range of mitigation measures including the provision of open space as part of developments, monitoring, education and communication with recreational users, collating information about habitats and working with landowners and partners. The GIRAMS identifies a financial contribution to be sought in connection with proposals that are likely to adversely affect the integrity of the European Sites, to fund avoidance and mitigation measures on a wider strategic basis. Based on the evidence before me I am satisfied that the Council has received the required mitigation payment, and the associated form set out under Section 111 of the Local Government Act 1972 in this regard. Consultation with Natural England confirms that the financial payment identified is commensurate with the tariff that has been collectively agreed through the GIRAMS.
18. I therefore conclude through my AA, that delivery of the mitigation secured by the appellants' financial contribution would ensure that the appeal proposal would not have an adverse effect on the integrity of European sites. The development therefore accords with Policies SS 4 and EN 9 of the CS, which state that open spaces and areas of biodiversity interest will be protected from harm and that development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

Other Matters

19. The proposal includes on-site parking accessed from Abbey Road. While the new access would reduce the amount of on-street parking, there is no substantive evidence before me that demonstrates that Abbey Road is subject to high levels of parking or is covered by a controlled parking zone.
20. Concerns have been raised that the proposal would result in an increase in noise and would harm the living conditions of the occupants of neighbouring properties through loss of privacy and natural light. Given the limited scale of the dwelling and the layout of windows, its orientation and position in relation to the neighbouring dwellings, as well as its location within a predominantly residential area, I see no reason to disagree with the Council's conclusion that the proposal would not harm the living conditions of occupants of nearby properties in this regard. Moreover, while the dwelling may be visible from neighbouring dwellings, the proposal would not inhibit the view or outlook from nearby properties.
21. The existing site may provide an area for wildlife, including hedgehogs and partridges. Nevertheless, given the location of the site within a primarily urban area, there is limited suitable habitat for protected species.

Planning Balance

22. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making.

The proposal is not in accordance with the aforementioned policies of the CS, with the associated conflict reflecting the limited harm to the character and appearance of the area. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.

23. The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing sites and has not disputed the appellant's figure of 3.67 year supply of deliverable housing sites. As such, paragraph 11 d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
24. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwelling is occupied. This is particularly the case given the Council's housing supply position. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The addition of one dwelling through a more efficient use of land in an urban area and the associated benefits would make a small but important contribution to meeting housing need in the District.
25. In the particular circumstances of this case, I have concluded that the proposal would harm the character and appearance of the area and would conflict with the relevant policies of the development plan. Nonetheless, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conditions

26. Suggested planning conditions have been provided by the Council. I have considered the conditions having regard to the Framework and advice contained in the Planning Practice Guidance. I have adjusted the wording of some conditions to improve precision.
27. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. I have not included the Council's suggested condition in respect of the external materials to be used as these details are provided on the approved plans.
28. The quality of the environment would be protected by conditions in respect of hard and soft landscaping, arboricultural matters, and for the enhancement of ecology at the site. A condition is also included to notify the Council of commencement in relation to the GIRAMS payment. As the landscaping condition could affect the early stages of construction, the condition needs to be discharged prior to the commencement of the development.
29. Conditions are included requiring the access and parking to be provided and to prevent the construction of means of enclosure at the access. This is in the interests of highway safety.

Conclusion

30. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: Site Location Plan, 0001 Rev C, 0002 Rev A and 0003.
- 3) Prior to the commencement of the development hereby permitted, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The proposals shall include plans at no less than 1:200 showing the following details:

Proposed Soft Landscape Details

- a) existing trees, shrubs and hedgerows on the site, indicating those to be removed;
- b) details of all new planting including: species, location, number and size of new trees and shrubs; and
- c) measures for protection of new planting.

Proposed Hard Landscape Details

- d) surface materials for vehicle and pedestrian areas; and
- e) boundary treatments, including fencing, walling, etc.

Implementation and Retention

- f) an implementation programme laying out a timescale for the completion of all landscape works; and
 - g) a landscape management plan, stating management responsibilities and a schedule of retention and monitoring operations for all landscaped areas for a minimum of five years following implementation.
- 4) Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of five years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.
- 5) The development hereby approved shall be carried out in strict accordance with the tree protection measures contained within Sections 6 and 7 and Appendices 4, 5 and 6 of the Arboricultural Impact Assessment prepared by A.T. Coombes Associates Ltd, dated 27 February 2024.
- 6) The development hereby permitted shall be incorporate the following ecological enhancement measures outlined in Section 7 of the approved Design, Access & Planning Statement, received 05th March 2024.
 - Bee bricks built into the masonry walls;
 - Swift boxes integrated into the building design; and

- Bird boxes installed on trees within the site.

The specific details of all of the enhancement measures including number, type and location, shall be submitted to and approved in writing by the local planning authority prior to installation. The enhancement measures shall then be installed, prior to the first occupation of the development, in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

- 7) Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access over the footway shall be constructed in accordance with the highways specification (TRAD 4) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 8) Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access.
- 10) The developer shall notify the local planning authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement of the development hereby permitted.

End of Schedule